

DATE

Wilfred Barry  
Secretary/Owner  
SJB Group, LLC  
P.O. Box 1751  
Baton Rouge, LA 70821-1751

**Re: Docket No. 2022-238**  
**Advisory Opinion**

Dear Mr. Barry:

The Louisiana Board of Ethics, at its meeting on May 6, 2022, considered your request, on behalf of SJB Group, LLC ("SJB Group"), for an advisory opinion as to whether the Code of Governmental Ethics ("Code") would prohibit SJB Group from entering into transactions with Pointe Coupee Parish.

### **FACTS PROVIDED**

SJB Group is an engineering and surveying firm located in Baton Rouge. Ms. Jacquelyn des Bordes is the President of SJB Group, and also owns 1.26% of the outstanding shares of SJB Group.

Ms. des Bordes' sister, Tonilyn Guidry, is currently the Director of Finance of Pointe Coupee Parish Government (the "Parish").

SJB Group would like to conduct professional engineering and surveying business with the Parish.

### **LAW**

**La. R.S. 42:1112B(1)** states that no public servant shall participate in a transaction involving the governmental entity in which, to his actual knowledge, any member of his immediate family has a substantial economic interest.

**La. R.S. 42:1113A** states no public servant, or a member of such a public servant's immediate family, or a legal entity in which he has a controlling interest shall bid on or enter into any contract, subcontract or other transaction that is under the supervision or jurisdiction of the agency of such public servant.

**La. R.S. 42:1114A** provides that each public servant and each member of his immediate family who derives anything of economic value, directly, through any transaction involving the agency of such public servant or who derives any thing of economic value of which he may be reasonably expected to know through a person which (1) is regulated by the agency of such public servant, or (2) has bid on or entered into or is in any way financially interested in any contract, subcontract, or any transaction under the supervision or jurisdiction of the agency of such public servant shall disclose certain information as set forth in Section 1114.

**La. R.S. 42:1102(8)** defines “controlling interest” to mean any ownership in any legal entity or beneficial interest in a trust, held by or on behalf of an individual or a member of his immediate family, either individually or collectively, which exceeds twenty-five percent of that legal entity.

**La. R.S. 42:1102(13)** defines “immediate family” as the term relates to a public servant to mean his children, the spouses of his children, his brothers and their spouses, his sisters and their spouses, his parents, his spouse, and the parents of his spouse.

**La. R.S. 42:1102(15)** defines “participate” to mean to take part in or to have responsibility for action of a governmental entity or proceeding, personally, as a public servant of the governmental entity, through approval, disapproval, decision, recommendation, the rendering of advice, investigation, or the failure to act or perform a duty.

**La. R.S. 42:1102(18)(a)** defines “public employee” to mean any person, whether compensated or not who is: (i) an administrative officer or official of a governmental entity who is not filling an elective office; (ii) appointed by any elected official when acting in an official capacity, and the appointment is to a post or position wherein the appointee is to serve the governmental entity or an agency thereof, either as a member of an agency, or as an employee thereof; (iii) engaged in the performance of a governmental function; (iv) under the supervision or authority of an elected official or another employee of the governmental entity.

**La. R.S. 42:1102(19)** defines “public servant” to mean a public employee or elected official.

**La. R.S. 42:1102(21)** defines “substantial economic interest” as an economic interest which is of greater benefit to the public servant or other person than to a general class or group of persons, except: (a) the interest that the public servant has in his position, office, rank, salary, per diem, or other matter arising solely from his public employment or office; (b) the that an elected official who is elected to a house, body, or authority has in a position or office of such house, body, or authority which is required to be filled by a member of such house, body, or authority by law, legislative rule, or home rule charter, (c) the interest that a person has as a member of the general public.

## ANALYSIS

As the Director of Finance of the Parish, Ms. Guidry is a public employee under La. R.S. 42:1102(18)(a). Accordingly, she is also considered a public servant pursuant to La. R.S. 42:1102(19). As the sister of Ms. Guidry, Ms. des Bordes is an immediate family member of Ms. Guidry under La. R.S. 42:1102(13).

As a shareholder and officer of SJB Group, Ms. des Bordes would have a substantial economic interest in a transaction between SJB Group and the Parish. Accordingly, Ms. Guidry may not participate in any transaction between SJB Group and the Parish, pursuant to La. R.S. 42:1112B(1).



If Ms. Guidry's current role with the Parish would typically involve participation in the transaction contemplated by SJB Group, Ms. Guidry should submit a disqualification plan to the Board for its consideration and approval.

While Ms. Guidry's immediate family member owns a percentage of SJB Group, a legal entity, because that percentage is less than 25%, Ms. Guidry would not be deemed to have a controlling interest in SJB Group pursuant to La. R.S. 42:1102(8). Accordingly, La. R.S. 42:1113 would not prohibit SJB Group from entering into any contract, subcontract, or other transaction that is under the supervision of the Parish. However, La. R.S. 42:1113 would prohibit Ms. des Bordes from representing SJB Group in matters involving the Parish.

Additionally, because Ms. des Bordes is the immediate family member who is deriving a thing of economic value from a person who is in any way financially interested in a transaction under the supervision of Ms. Guidry's agency, Ms. des Bordes would be required to annually file a financial disclosure form pursuant to La. R.S. 1114A with the information required by such statute.

### CONCLUSION

The Board concluded, and instructed me to inform you, that the Code would not prohibit SJB Group from entering into a transaction with the Parish; however, Ms. Guidry would not be permitted to participate in transactions involving SJB Group and a disqualification plan should be submitted for the Board's consideration and approval. Chapter 14 of the Rules of the Board, a copy of which is enclosed, describes the requirements for the disqualification plan. Also, Ms. des Bordes will have to file a disclosure statement pursuant to La. R.S. 42:1114 annually by May 15 disclosing her income from SJB Group received in the prior calendar year.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts as presented may result in a different application of the provisions of the Louisiana Code of Governmental Ethics. The Board issues no opinion as to past conduct or as to laws other than the Louisiana Code of Governmental Ethics, the Campaign Finance Disclosure Act, the Lobbyist Disclosure Acts, and the conflict of interest provisions contained in the Louisiana Gaming Control Law. If you have any questions, please contact me at (800) 842-6630 or (225) 219-5600.

Sincerely,

**LOUISIANA BOARD OF ETHICS**

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Charles E. Reeves, Jr.  
For the Board